

1 SB206
2 148315-1
3 By Senators Coleman, Figures, Dunn, Irons, Smitherman,
4 Beasley, Ross, Fielding, Glover, Keahey, Pittman, Ward,
5 Bedford, Blackwell and Bussman
6 RFD: Commerce, Transportation, and Utilities
7 First Read: 14-FEB-13

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8 SYNOPSIS: Under existing law, every person
9 transporting a child in a motor vehicle operated on
10 the roadways, streets, or highways of this state
11 must use an aftermarket or integrated child
12 passenger restraint system meeting applicable
13 federal motor vehicle safety standards and certain
14 requirements under state law. A person who violates
15 this provision may be fined \$25 for each offense.
16 Fifteen dollars of a fine imposed for violation of
17 this provision is used to distribute vouchers for
18 size appropriate child passenger restraint systems
19 to limited income families in the state. The
20 Alabama Head Injury Foundation administers this
21 program free of charge.

22 This bill would provide that 15 percent of
23 the \$15 distributed to the Alabama Head Injury
24 Foundation would be earmarked to cover the costs of
25 administering the program.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Section 32-5-222, Code of Alabama 1975,
5 relating to fines for violation of the child safety restraint
6 law; to provide for the Alabama Head Injury Foundation to use
7 a percentage of the funds it receives for distribution for
8 child safety restraints to cover the costs of administering
9 the program.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 32-5-222, Code of Alabama 1975,
12 is amended to read as follows:

13 "§32-5-222.

14 "(a) Every person transporting a child in a motor
15 vehicle operated on the roadways, streets, or highways of this
16 state, shall provide for the protection of the child by
17 properly using an aftermarket or integrated child passenger
18 restraint system meeting applicable federal motor vehicle
19 safety standards and the requirements of subsection (b). This
20 section shall not be interpreted to release in part or in
21 whole the responsibility of an automobile manufacturer to
22 insure the safety of children to a level at least equivalent
23 to existing federal safety standards for adults. In no event
24 shall failure to wear a child passenger restraint system be
25 considered as contributory negligence. The term "motor
26 vehicle" as used in this section shall include a passenger

1 car, pickup truck, van (seating capacity of 10 or less),
2 minivan, or sports utility vehicle.

3 "(b) The size appropriate restraint system required
4 for a child in subsection (a) must meet the requirements of
5 Section 32-5B-4 and shall include all of the following:

6 "(1) Infant only seats and convertible seats used in
7 the rear facing position for infants until at least one year
8 of age or 20 pounds.

9 "(2) Convertible seats in the forward position or
10 forward facing seats until the child is at least five years of
11 age or 40 pounds.

12 "(3) Booster seats until the child is six years of
13 age.

14 "(4) Seat belts until 15 years of age.

15 "(c) No provision of this section shall be construed
16 as creating any duty, standard of care, right, or liability
17 between parent and child that is not recognized under the laws
18 of the State of Alabama as they presently exist, or may, at
19 any time in the future, be constituted by statute or decision.

20 "(d) Any person violating the provisions of this
21 section may be fined twenty-five dollars (\$25) for each
22 offense. The charges may be dismissed by the trial judge
23 hearing the case and no court costs shall be assessed upon
24 proof of acquisition of an appropriate child passenger
25 restraint.

26 "(e) Fifteen dollars (\$15) of a fine imposed under
27 subsection (d) shall be deposited in the State Treasury to be

1 distributed by the state Comptroller to the Alabama Head
2 Injury Foundation. Eighty-five percent of the fifteen dollars
3 (\$15) shall be used to distribute vouchers for size
4 appropriate child passenger restraint systems to families of
5 limited income in the state and the remainder shall be used by
6 the foundation to cover the costs of administering the
7 program. The fifteen dollars (\$15) shall be deposited in the
8 State Treasury to be distributed by the state Comptroller to
9 the Alabama Head Injury Foundation, which shall administer the
10 program free of charge. The Department of Examiners of Public
11 Accounts shall annually audit, review, and otherwise
12 investigate the receipts and disbursements of these funds by
13 the foundation in the same manner and to the same extent as
14 the department performs examinations and audits of agencies
15 and departments of the State of Alabama.

16 "(f) The provisions of this section notwithstanding,
17 nothing contained herein shall be deemed a violation of any
18 law which would otherwise nullify or change in any way the
19 provisions or coverage of any insurance contract.

20 "(g) For the purpose of identifying habitually
21 negligent drivers and habitual or frequent violators, the
22 Department of Public Safety shall assess the following points:

23 "(1) Violation of child safety restraint
24 requirements, first offense1 point.

25 "(2) Violation of child safety restraint
26 requirements, second or subsequent offense2
27 points.

1 "(h) Every person transporting a child shall be
2 responsible for assuring that each child is properly
3 restrained pursuant to this section. The provisions shall not
4 apply to taxis and all motor vehicles with a seating capacity
5 of 11 or more passengers.

6 "(i) Each state, county, and municipal police
7 department shall maintain statistical information on traffic
8 stops of minorities pursuant to this section, and shall report
9 that information monthly to the Department of Public Safety
10 and the Office of the Attorney General."

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.